

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS (213113)  
JASON C. DAVIS (253370)  
Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)  
shawnw@rgrdlaw.com  
jdavis@rgrdlaw.com  
– and –  
DARREN J. ROBBINS (168593)  
TRAVIS E. DOWNS III (148274)  
BRIAN E. COCHRAN (286202)  
JUAN CARLOS SANCHEZ (301834)  
655 West Broadway, Suite 1900  
San Diego, CA 92101-3301  
Telephone: 619/231-1058  
619/231-7423 (fax)  
darrenr@rgrdlaw.com  
travisd@rgrdlaw.com  
bcochran@rgrdlaw.com  
jsanchez@rgrdlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MALAKYAR VERNET, Individually and on )  
Behalf of All Others Similarly Situated, )  
Plaintiff, )  
vs. )  
THE WE COMPANY, et al., )  
Defendants. )

This Document Relates To:  
ALL ACTIONS.

Master File No. 4:20-cv-03686-HSG  
CLASS ACTION  
JOINT STIPULATION AND ORDER  
CONTINUING UPCOMING MOTION TO  
DISMISS HEARING

1 WHEREAS, on September 4, 2020, plaintiffs Malakyar Vernet and Henriette Kockum  
2 (together, “Plaintiffs”) filed the operative Consolidated Complaint for Violations of the California  
3 Corporations Code (the “Consolidated Complaint”) (ECF No. 29);

4 WHEREAS, on November 3, 2020, defendants The We Company (“WeWork”) and Adam  
5 Neumann (together, “Defendants”) filed their Motion to Dismiss Consolidated Amended  
6 Complaint (the “Motion to Dismiss”) (ECF No. 40);<sup>1</sup>

7 WHEREAS, on January 18, 2021, Plaintiffs filed their opposition to Defendants’ Motion  
8 to Dismiss (ECF No. 48) and, on March 4, 2021, Defendants filed their reply in support of their  
9 Motion to Dismiss (ECF No. 51);

10 WHEREAS, on March 15, 2021, the Court continued the hearing on Defendants’ Motion  
11 to Dismiss to April 16, 2021, at 1:00 p.m.;

12 WHEREAS, on March 10, 2021, a tender offer was made to holders of WeWork Class A  
13 common stock, including to the Plaintiffs (the “Tender Offer”);

14 WHEREAS, Plaintiffs have accepted the Tender Offer and signed a release of certain  
15 claims against WeWork and its current and former directors and officers; and

16 WHEREAS, as of the date of this stipulation, Plaintiffs have not received payment for their  
17 tender of the at-issue WeWork Class A common stock.

18 NOW, THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs and Defendants  
19 by and through their undersigned respective counsel of record that, pursuant to Civil L.R. 7.7(b),  
20 the Motion to Dismiss hearing currently scheduled for April 16, 2021 is continued to Thursday,  
21 May 13, 2021, or as soon thereafter as is convenient for the Court, in order for Plaintiffs to assess  
22 their standing and the viability of their claims in light of the recent Tender Offer.

23 DATED: April 12, 2021

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS  
JASON C. DAVIS

\_\_\_\_\_  
s/ JASON C. DAVIS  
JASON C. DAVIS

27 <sup>1</sup> Defendant Softbank Group Corp. has taken the position that it was not served properly and  
28 presumably did not file a motion to dismiss for that reason.

Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)  
shawnw@rgrdlaw.com  
jdavis@rgrdlaw.com

ROBBINS GELLER RUDMAN  
& DOWD LLP  
DARREN J. ROBBINS  
TRAVIS E. DOWNS III  
BRIAN E. COCHRAN  
JUAN CARLOS SANCHEZ  
655 West Broadway, Suite 1900  
San Diego, CA 92101-3301  
Telephone: 619/231-1058  
619/231-7423 (fax)  
darrenr@rgrdlaw.com  
travisd@rgdlaw.com  
bcochran@rgrdlaw.com  
jsanchez@rgrdlaw.com

Attorneys for Plaintiff

DATED: April 12, 2021

DEBEVOISE & PLIMPTON LLP  
MAEVE L. O'CONNOR (*pro hac vice*)  
ELLIOT GREENFIELD (*pro hac vice*)  
MORGAN A. DAVIS (*pro hac vice*)

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s/ MAEVE L. O'CONNOR  
MAEVE L. O'CONNOR

919 Third Avenue  
New York, New York 10022  
Telephone: 212/909-6000  
212/909-6000 (fax)  
mloconnor@debevoise.com  
egreenfield@debevoise.com  
mdavis@debevoise.com

CONRAD | METLITZKY | KANE LLP  
WARREN METLITZKY (CA Bar No. 220758)  
ELIZABETH A. KIM (CA Bar No. 295277)  
Four Embarcadero Center, Suite 1400  
San Francisco, California 94111  
Telephone: 415/343-7100  
wmetlitzky@conmetkane.com  
lkim@conmetkane.com

Attorneys for Defendants The We Company,

1 DATED: April 12, 2021

PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON LLP  
JAREN JANGHORBANI (*pro hac vice*)  
PAUL PATERSON (*pro hac vice*)

3  
4 s/ JAREN JANGHORBANI  
JAREN JANGHORBANI

5 1285 Avenue of the Americas  
6 New York, NY 10019  
7 Telephone: 212/373-3000  
jjanghorbani@paulweiss.com  
ppaterson@paulweiss.com

8 KAUFHOLD GASKIN LLP  
9 STEVEN KAUFHOLD (CA Bar. No. 157195)  
388 Market Street  
San Francisco, CA  
10 Telephone: 415/445-4621  
skaufhold@kaufholdgaskin.com


11 Attorneys for Defendant Adam Neumann

12  
13 \* \* \*

14 **ORDER**

15 IT IS SO ORDERED.

16 DATED: 4/13/2021

17   
18 HONORABLE HAYWOOD S. GILLIAM, JR.  
19 UNITED STATES DISTRICT JUDGE  
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